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09/678,885	10/03/2000	Daniel F. White	9236	4770

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EXAMINER

RUDY, ANDREW J

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/678,885
Filing Date: October 03, 2000
Appellant(s): WHITE, DANIEL F.

MAILED

MAR 09 2005

GROUP 3600

David M. Lockman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 18, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

Whether claims 1, 4 and 5 are rejected under 35 USC 112, second paragraph.

Whether claims 1, 4-6, 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over Ganesan, US 6,678,664.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1, 4-6, 9 and 10 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4-6, 9 and 10 rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on June 16, 2004.

(11) *Response to Argument*

Applicant's ARGUMENTS have been reviewed, but are not convincing. First, Applicant does not address the 35 USC 112, second paragraph, rejection. As is, the claim language is not completely clear to the Examiner. Thus, the rejection should be upheld as Applicant does not properly correct the claim language, nor clarify the offending claim language.

Applicant's assertion that Ganesan teaches away from Applicant's invention is not correct. It is the claim language that Applicant arguments must be directed towards, not the inventive concept embodied within the Application, as a whole. It is noted that none of the claims require a sequential process steps. As is, the features recited, e.g. claim 1, penultimate paragraph, may be loosely associated with the other steps recited, e.g. claim 1, last paragraph. Applicant would infer that such steps provide a line of demarcation over Ganesan. However, this is not warranted given the broad scope and content of the claim language.


Contrary to Applicant's assertion, Ganesan discloses generating two records. First, a record is sent to a formatted transaction database clearinghouse station. Second, a hard copy of a digital purchase transaction that corresponds to a consumer, e.g. a party, may be provided to a party that purchases the goods. It is the Examiner's position that it has been common knowledge to omit certain transaction data from a receipt given to a party to an electronic transaction. For example, it is notoriously old and common knowledge that a party to an electronic transaction will receive from a printer device a hard copy of a purchase, e.g. a gasoline or diesel purchase from a gas station, having reference identification to the just completed purchase. However, the hard copy commonly does not include all the data transferred over a network from the credit card reader to the printer of the transaction, e.g. only the last four (4) digits to ones credit card is generated. This fully reads upon Applicant's claim language. Likewise other transaction data may not include be included when it is transmitted to Applicant, i.e. see listing from Final rejection.

Applicant does not contest the common knowledge referenced by the Examiner in combination with Ganesan, only the date that such common knowledge was known. This notoriously old common knowledge was brought into the Final rejection as a direct result of Applicant's amendment to the claims prior to the Final rejection. Thus, its use was proper. Ware, US 4,707,592, col. 2, lines 25-65, discloses this notoriously old and well known common knowledge (See attached PTO-892). To have used such common knowledge with the hard copy of Ganesan would have been obvious to one of ordinary skill in the art.

Thus, Applicant's assertion that a proper 35 USC 103 rejection has not been made by the Examiner is not warranted.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Andrew Joseph Rudy
March 9, 2005

Conferees

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